

1 (The spectators left Courtroom and a hearing was held in
2 closed session, recorded in a separate sealed document.)

3 (Recess at 12:20 until 1:25)

4
5 (In open Court, all parties present)

6 THE COURT: Mr. Swier, did you have any other
7 witnesses you wanted to call?

8 MR. SWIER: No. Defendant NAT has no more
9 witnesses.

10 THE COURT: Miss Roberts?

11 MS. ROBERTS: Yes, Your Honor. However, my
12 witness just slipped out. He's here, if we could have a
13 moment. We're ready.

14 Your Honor, I'd like to call Peter Lengkeek.

15 PETER LENGKEEK,
16 called as a witness, being first duly sworn, testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MS. ROBERTS:

20 Q. Please state your full name for the record.

21 A. Peter James Lengkeek.

22 THE COURT: How do you spell your last name?

23 A. L-E-N-G-K-E-E-K.

24 Q. Can you describe your current position with the Crow
25 Creek Sioux Tribe?

1 A. I am the newly elected Treasurer of the Council, the
2 governing body of the Crow Creek Sioux Tribe, one of seven
3 members.

4 Q. To give the Court a little background about who you
5 are, can you run down just a little bit of your background
6 for the Court?

7 A. I'm an enrolled member of the Crow Creek Sioux Tribe,
8 ex-military. I served in the Marine Corps and in the Army.
9 I was self-employed there on the Reservation and decided to
10 try my hand at politics and got elected onto the Council
11 this past spring.

12 Q. What are some of the endeavors you did before going on
13 the Council?

14 A. Some of my personal endeavors were I have -- I was
15 self-employed there for many years after my tour in the
16 Marine Corps and in the Army. I started a guiding business
17 called Soldier Creek Outfitters and also contracted for a
18 couple years with a business called Native American --
19 Native Builders, which I tried to form into kind of like an
20 on-the-job training type thing for our younger members,
21 kind of like a Job Corps. I don't know if anybody is
22 familiar with Job Corps.

23 I was employed with the United Methodist Church for
24 five years with an organization called Tree of Life
25 Ministry where we repaired homes on the Reservation at no

1 cost to the home owner through donations of the United
2 Methodist Church and the work of volunteers that came there
3 every summer. We did a lot of work for the elders
4 repairing homes. Government-built homes are way past their
5 life expectancy, and they are pretty much falling around
6 our people. We came in and repaired them at no cost to the
7 homeowner with volunteer help and volunteer revenue.

8 Q. Those activities, plus others -- well, let me start
9 again. Since the Marine Corps, what has been your main
10 focus in life, since you've been back to the Reservation?

11 A. My people.

12 Q. What do you mean by that?

13 A. Want to see them succeed and get out of poverty.
14 Where we live, it's the poorest county in the nation. We
15 have an average household income of \$5200, with 85 to 90
16 percent unemployment rate. Recently here one of the
17 highest suicide rates in the world.

18 Q. Describe the Crow Creek Sioux Reservation structure in
19 relationship to the Federal government.

20 A. We are a Federally recognized Tribe. That was around
21 1864, 1865 we became the Crow Creek Sioux Reservation.
22 Where we are placed now was originally a prisoner of war
23 camp. Our people originally come from the Minnesota area,
24 but we were exiled out of there by the Government to the
25 place where we are now. Been there ever since.

1 Q. What is the relationship to the State of South Dakota?

2 A. Other than we are placed in the middle of South
3 Dakota, along with eight other Reservations, there really
4 is no other relationship.

5 Q. Briefly what is your relationship to the land that
6 encompasses the Reservation?

7 A. That's Mother Earth. She is sacred. That's where our
8 blood was spilled. That's where our ancestors are buried.

9 Q. Peter, could you describe the structure of Tribal
10 Government on the Crow Creek Reservation?

11 A. We are the governing body. We are comprised of seven
12 members. The Tribal Chairman, who is at large, and one
13 district representative council member from the Big Bend
14 District, one council member from the Crow Creek District,
15 and four members of the Ft. Thompson District. We're the
16 governing body.

17 Q. How do you get elected to this position?

18 A. By the people.

19 Q. How long is your terms?

20 A. Two-year terms.

21 Q. Where does the Utility Authority, the Crow Creek
22 Utility Authority fall within the structure of Tribal
23 government?

24 A. They are underneath the Government. We appoint them
25 or -- when it was formed, I believe in 1997, it was put out

1 to the public. People applied for it, and the governing
2 body at the time went through and chose the members of it
3 and put that in place, along with all the other boards on
4 the Reservation, the Gaming Commission, the Gaming Board.
5 Yes, it's the Tribal Council, the governing body that
6 oversees all of them.

7 Q. What about the Tribal Court?

8 A. That also belongs to the Tribe. Years ago there were
9 some funding issues and they couldn't handle it, so they
10 asked the Bureau of Indian Affairs to take it and fund it,
11 and they contracted it to -- what is it called --

12 Q. Northern Plains?

13 A. Northern Plains Tribal Court of Appeals. We just
14 recently took that back into our possession.

15 Q. How did you do that?

16 A. Through resolution.

17 Q. There was some discussion earlier today about a
18 Special Judge being appointed for this case. How is that
19 done? How was that done?

20 A. The Judge is hired by the Crow Creek Sioux Council,
21 and B.J. Jones was brought in to oversee this as a Special
22 Judge, this particular case. We wanted to be above any
23 suspicion Sprint might have, like they could come back at
24 us and say, "You know, well, this Judge here, his whole job
25 depends on his decision, so of course he is going to rule

1 in your favor." We wanted to bring in a neutral Judge to
2 oversee this, one that didn't know anything about us. We
3 wanted to be above any superstition.

4 Q. I want to take you to what your knowledge is of the
5 Tribe and NAT's relationship. What was important or what
6 is important to the Tribe in developing and working with
7 NAT to develop a telephone company?

8 A. One being economic development. The other being
9 seeing our people have the same chance as everybody else in
10 the United States has. We all know today the Internet is
11 the world. We wanted our people, that same opportunity to
12 see things. We basically just wanted the same
13 opportunities as everybody else in the United States.

14 Q. Before NAT, what was the access of members of your
15 community to these services, Internet in their home, things
16 like that?

17 A. Very, very limited. As I spoke of the poverty
18 situation there, Internet was just a couple people had it.
19 Most of the public didn't have access to the Internet or
20 the phone. It's kind of monopolized there by the one phone
21 provider, phone service provider we do have. It's kind of
22 hard to come up with that bill money every month, so a lot
23 of people didn't have access to phone or Internet.

24 Q. Economic development has been mentioned before and
25 also by you. Now that NAT has been in there and people

1 have Internet, what changes have you seen in people's
2 lives?

3 A. There are a couple people there -- Native American
4 people are natural artists. There are a lot of artists on
5 our Reservation. It's hard to get that work out there and
6 get it sold for revenue for their families. It's been said
7 there are three or four families are in one house. A lot
8 of times these artists are the only income into the house.
9 There are a couple people that have opened Ebay accounts,
10 and they are able to get their artwork out and create
11 revenue for their families in their households.

12 I think there are three or four full-time employees, a
13 couple of them that work in the Internet library that is
14 there on the Reservation, which there's never been one
15 before. A lot of days there's a waiting line just to get
16 on the Internet. There are some full-time employees there
17 that sit there and help people navigate the Internet. Even
18 myself, I'm not very computer literate, but I'm learning.

19 There are a couple full-time employees that do
20 installation of the free Internet service and free phone
21 service. Right now currently they are remodeling a
22 building. There are a couple other members of the Tribe
23 there that are remodeling an old building and turning it
24 into an Educational Technical Learning Center.

25 Q. So this has all been as a result of the Tribe

1 partnering with NAT?

2 A. Yes, ma'am.

3 Q. You are familiar with the structure and ownership of
4 NAT?

5 A. Yes.

6 Q. Who is the majority owner?

7 A. The Crow Creek Sioux Tribe owns 51 percent of it.

8 Q. As a Tribal Council member, would you say that the
9 Tribe has reaped benefits?

10 A. Yes.

11 Q. And those being what you mentioned or more?

12 A. Yes. It's supposed to create a couple hundred
13 thousand dollars of revenue for the Tribe. Of course
14 Sprint hasn't paid their bills, so we don't see any of that
15 revenue. We just see the things that Mr. Reiman and them
16 have been doing there, like the Internet library and things
17 like that.

18 Q. Who owns the land, the NAT buildings and equipment and
19 all that?

20 A. Crow Creek Sioux Tribe. It was very important to us
21 that our, you know, our land is sacred. It was very
22 important to us that it was done with some type of green
23 technology. They didn't have to burrow into Mother Earth
24 to erect that tower or the building or anything.

25 Q. Would you have sold that land to them? Why didn't you

1 sell it?

2 A. No. Our land ain't for sale.

3 Q. Today you've heard a lot of talking about telephones
4 and routing and this and all of that.

5 A. Yes.

6 Q. But basically today we're here because Sprint is
7 asking the Court to grant a preliminary injunction. Do you
8 have an understanding of what that is?

9 A. Yes.

10 Q. What is your understanding?

11 A. Basically they don't acknowledge our sovereignty and
12 our jurisdiction. They went straight to the state, when it
13 should be seen there in Tribal Court. From what I
14 understand of it, they're not recognizing who we are,
15 recognizing our sovereignty and our right to self-govern
16 and self-determination.

17 Q. Do you know what would happen if this Court grants a
18 preliminary injunction, what happens to the case?

19 A. That would mean it would go to Federal Court instead
20 of seen in Tribal Court. Right? Our sovereignty is always
21 being tested. Always. I guess in the U.S. Constitution it
22 states that Treaties are the supreme law of the land. In
23 those Treaties we were granted sovereignty. I would like
24 to think the U.S. Constitution means something.

25 It would basically mean that it would hinder any

1 further economic development by any other corporations or
2 any other organizations that would want to come in there
3 and do business. There's no way for us to protect them or
4 help them, because they can just go to the state. It kind
5 of seems to us like our sovereignty don't mean anything.

6 Q. Let's go through this a little bit. If Sprint is not
7 required to exhaust Tribal remedies, what impact would that
8 have on your self-government? You kind of touched on it.
9 What impact would it have on the Tribe's self-government?

10 MR. KNUDSON: Objection. Foundation.

11 THE COURT: Overruled. You can answer.

12 A. It would put our sovereignty and jurisdiction in
13 jeopardy.

14 Q. What impact would it have on your self-determination?

15 A. We should be able to handle our own business.

16 Q. And as far as utilities, what mechanism do you have to
17 handle that?

18 A. The Utilities Authority and the governing body, which
19 is the Council of the Crow Creek Sioux Tribe.

20 Q. If Sprint is not required to exhaust Tribal remedies,
21 what impact would it have on your political security as a
22 Tribe or integrity of the Tribe?

23 MR. KNUDSON: Objection. Foundation.

24 THE COURT: Overruled. You may answer.

25 A. It would impact a lot.

1 Q. Can you give me an example of what it would mean to
2 the Council as the governing body and the Tribe?

3 A. It would mean that we don't have the protection of the
4 Constitution and the Federal government like was granted to
5 us. It would mean we can't conduct our own business. We
6 can't invite organizations, people in businesses onto our
7 Reservation, and protect them and help them in the way we
8 should.

9 Q. What impact is this going to have, by not requiring
10 Sprint to exhaust Tribal remedies, would it have on Tribal
11 resources? You mentioned they went to the state.

12 A. Yes. The State Public Utilities Commission. When it
13 should have come to the authority that we have in place.

14 Q. So what do you have to do about that? Can you just
15 ignore it? What is the Tribe doing about the South Dakota
16 PUC case? Maybe I'm being vague. Are you sitting back
17 ignoring it, or are you addressing it?

18 A. No, we are not ignoring it. We are addressing it.
19 But with Sprint not recognizing our jurisdiction and our
20 sovereignty, who else is going to? I mean it has to stop
21 somewhere.

22 Q. So how is this impacting your Tribal resources?

23 A. Pretty much doesn't give them any clout or backbone at
24 all.

25 Q. Is it having an impact financially?

1 A. Yes, it is.

2 Q. As far as a case being at the South Dakota PUC and now
3 here in Federal Court, what sort of -- can you even
4 estimate what kind of financial impact this is having
5 against your Tribe, having to run here and there to defend
6 this? If you don't know a dollar amount, that's fine.

7 A. I don't know a dollar amount right off the top of my
8 head. For those of us that are struggling, like our
9 Reservation is, and the situation of the poverty there,
10 it's very hard to do, very hard to do. It was hard for us
11 to get travel money just to come here today.

12 We have people at home, we have elders there, they
13 weren't able to pay their electric bill, so they took their
14 meter, and they are sitting there without electricity.
15 Some of them are on oxygen and nebulizers. We had to come
16 up with money to come here even today.

17 Q. Also, what impact would not, requiring Sprint not to
18 exhaust Tribal remedies, have on the orderly admission of
19 justice on the Reservation?

20 A. What impact would it have?

21 Q. To you, as a Tribe, being able to administer justice.

22 A. We really wouldn't be able to if this did happen. It
23 would -- what word am I looking for?

24 Q. We can move on. We can come back to the justice and
25 the Court. You kind of touched on perhaps the welfare of

1 the Tribe, the health and economic development.

2 A. Yes.

3 Q. Any other specific examples you would have of how, by
4 not requiring Sprint to address this in Tribal Court, how
5 that would affect the welfare, health, or economic
6 development of the Tribe?

7 A. We would -- by them not recognizing our jurisdiction
8 and our sovereignty and going right over our heads to the
9 State PUC, like I said before, it weakens our sovereignty
10 even more, weakens our jurisdiction, our right for
11 self-governing and self-determination. It weakens all of
12 that.

13 Q. What is your objection to this Court handling the
14 matter instead of Tribal Court?

15 A. It shouldn't be here.

16 Q. Why?

17 A. Because everything is happening within the boundaries
18 of the Reservation. It's ours. We're 51 percent owners of
19 it. It's sitting on Tribal land. It doesn't -- I guess
20 being utilities, it's -- utilities pretty much run this
21 country and the revenue they generate. They have a lot of
22 power. Can you say the question again?

23 Q. Why do you think the Tribal Court should handle it
24 instead of this Court was the beginning of the question?

25 A. Okay. I pretty much answered that then.

1 Q. All right. Just lastly, economic development. You've
2 spoken about it. We heard testimony today that we may be
3 talking vast amounts of money between this telephone deal.
4 That's obviously, from your testimony, an important aspect
5 to the Tribe.

6 A. Yes.

7 Q. But what is the most important aspect you want to
8 convey to the Judge today?

9 A. Recognition of our sovereignty, of our jurisdiction,
10 our right to govern, to take care of our own business. For
11 us, there's a lot at stake here. It's not just a dollar
12 amount. It's, again, our sovereignty, our right to
13 self-govern.

14 Q. Let me clarify for the Court. The Crow Creek Tribe
15 has an operable, up and running, whatever term you want to
16 use, Utility Authority. Is that correct?

17 A. Yes.

18 Q. The Tribe has a Court system that's operating, open.

19 A. Yes. It's in control of the Tribe.

20 Q. For this specific case you have placed --

21 A. B.J. Jones, who is the Judge of the Sisseton-Wahpeton
22 Tribe, also a legal professor. Yes.

23 Q. Is it your -- can the Crow Creek Sioux Tribe and the
24 different entities in place you've described handle the
25 various aspects of Tribal exhaustion?

1 A. Yes.

2 Q. No further questions.

3 A. You know, this is a -- we finally find a way to create
4 revenue for our Tribe. As always, it's taken away from us.
5 It meant a lot to us to go into this agreement, because it
6 would provide jobs, badly needed jobs, badly needed revenue
7 to operate and to put other people to work. It's very
8 upsetting that this is even here.

9 Q. That brings up a point, and just let me clarify with
10 you. You have no idea -- you have appointed a Special
11 Judge to hear this.

12 A. Yes, ma'am.

13 Q. If it came back to Tribal Court, you have no idea or
14 no control on what would happen.

15 A. No, ma'am.

16 Q. Win or lose or whether or not the Tribe ultimately
17 would decide they have jurisdiction or not, what is
18 important? What is at stake today that is so important to
19 the Tribe? Is it winning or losing this case, or is it
20 something more important?

21 A. Something more important. Like I said earlier,
22 there's a lot at stake here. How are we going to -- how
23 are other businesses going to come to our Reservation and
24 do business with us? There's a lot more at stake than just
25 money.

1 MS. ROBERTS: No further questions.

2 THE COURT: Mr. Swier?

3 MR. SWIER: Just a few. Your Honor, we --

4 A. I mean we --

5 THE COURT: Just a minute. He has to ask a
6 question.

7 A. I'm sorry. I was just going to reiterate --

8 MR. SWIER: Go ahead if you're not done.

9 MR. KNUDSON: There should be a question pending.

10 THE COURT: Sustained. You need to ask a
11 question, Mr. Swier.

12 DIRECT EXAMINATION

13 BY MR. SWIER:

14 Q. What was going to be your finishing answer to Miss
15 Roberts' previous question?

16 A. I was just going to say that it's tough there, and
17 here we finally get a chance to make money, to create
18 revenue for our Tribe, and it's being questioned now.

19 Q. Mr. Lengkeek, can I call you Peter?

20 A. Yes, sir.

21 Q. Peter, I have a few questions. I want to touch on
22 something you indicated earlier about the land being your
23 sacred land. Is that correct?

24 A. Yes, sir.

25 Q. Talk a little bit more about the sacredness that your

1 Tribe sees on your Reservation land. Why is that so
2 important?

3 A. To us, we don't believe we inherit the land. We
4 borrow it from our grandchildren. That's what we believe.
5 This is our mother. When we're done praying, we say,
6 "Mitakuye Oyasin." That means, "We're all related." That
7 doesn't mean just you and I are brother. It means we are
8 brother and sister to everything on this earth. We all
9 come from one place, that's Mother Earth. She is not to be
10 desecrated. She is not to be mutilated, like she is today.

11 Q. Along the lines of the sacred land, you're familiar
12 obviously, as part of the majority owner, you are familiar
13 with Native American Telecom. Correct?

14 A. Yes, sir.

15 Q. You're familiar with the efforts and activities of NAT
16 on your Reservation.

17 A. Yes.

18 Q. Peter, is it true that NAT's equipment is located on
19 your sacred land?

20 A. Yes.

21 Q. Is it true that NAT's technologically advanced
22 equipment is housed on your sacred land?

23 A. Yes, sir.

24 Q. Is it true NAT's services, your company's services are
25 provided on your sacred land?

1 A. Yes, sacred and Tribal.

2 Q. Is it true NAT is providing employment opportunities
3 for your members on your sacred land?

4 A. Yes, sir.

5 Q. Is it true that NAT's new Internet Cafe is located on
6 your sacred land?

7 A. Yes, sir.

8 Q. Is it important to you that new economic development
9 opportunities occur on your sacred land?

10 A. It is very important.

11 Q. Is NAT providing those economic development
12 opportunities on your sacred land?

13 A. Yes.

14 Q. Have NAT's activities led to technological
15 advancements on your sacred land?

16 A. Yes, it has. More and more of our people are learning
17 to use the Internet. More and more of our people are able
18 to stay in communication with each other, especially like
19 during emergency situations.

20 Q. That was one question, Peter, I was going to ask you.
21 Will you explain to the Judge how NAT's services are used
22 in emergency situations on your sacred land?

23 A. A lot of the people there, as I mentioned earlier,
24 cannot afford a basic phone and a telephone company that
25 comes out of Chamberlain there. When NAT came here, they

1 offered the subsidized phone, which we get free phone
2 service, free Internet service.

3 Before that, to get a hold of the ambulance or 911 or
4 the police station, you either have to run a couple doors
5 down to somebody who can afford a phone or try to get there
6 yourself to the police station or fire department on foot,
7 bike, car, horse, however you can. Now most of them people
8 pick up the phone, and emergency services are there.

9 Q. Before NAT, were those emergency services available to
10 your Tribal members?

11 A. They were available, yes. Are you talking the police
12 department, the fire department, and the EMTs?

13 Q. Yes. Before NAT described how those services were
14 limited to your members.

15 A. Really the only thing that was limited was getting a
16 hold of them when you needed them.

17 Q. What has NAT done to fill that gap?

18 A. They provided our members with free phone service.

19 Q. Describe for the Judge the technology before NAT
20 started. Describe for the Judge what the technology was
21 like on your sacred land.

22 A. Very limited. Like I said, I know some people down
23 the street would open their homes to the neighbors so they
24 could come in and get on the Internet and try to learn
25 about it or try to sell their artwork on it, or just to see

1 what resources are out there.

2 Now there's getting to be more and more of it. They
3 also provide in some instances free computers.

4 Q. Talk about that. I think Mr. Reiman testified that
5 NAT, your Tribally-owned company, is actually providing
6 hardware and software to your members for free on your
7 sacred land. Is that right?

8 A. Yes.

9 Q. Talk about that briefly. Share with the Judge what
10 that is all about.

11 A. As in -- well, are you talking about the Internet
12 Cafe?

13 Q. Sure. Start with that, Peter.

14 A. The Internet Cafe is housed in an office in the Tribal
15 building there. My office -- it used to be my office when
16 I used to be the director of the Tree of Life Ministry. I
17 gave that up so they could move in there. It's a badly
18 needed service. Like I said, that's the world now, the
19 Internet. That along with the Educational Technical
20 Learning Center, I can't wait until it's open.

21 A lot of our people are looking forward to it. A lot
22 of our people are talking about getting their GEDs through
23 there. Elders are talking about it. It's creating a lot
24 of buzz in the community.

25 Q. Positive buzz?

1 A. Oh, yeah.

2 Q. Is it safe to say, Peter, before NAT no one ever made
3 an effort to pave a technological highway for you and your
4 members on your sacred land?

5 A. It's safe to say that.

6 Q. Has NAT paved that technological highway for you?

7 A. Yes, they have.

8 Q. Peter, you talked about the Learning Center. I don't
9 know if it's in the record. Is the Learning Center also
10 placed within your Reservation boundaries on your sacred
11 land?

12 A. Yes, it is.

13 Q. Peter, describe briefly for the Judge. We talked
14 about the fact that NAT has allowed you, as the Tribe, to
15 be the majority owner of this company.

16 A. Yes.

17 Q. But outside private-company investment has been
18 necessary to get it up and running. Is that right?

19 A. Yes.

20 Q. Before NAT was formed and before you guys became the
21 majority owners, describe for the Judge what type of
22 private economic investment, outside of private companies
23 or individuals, describe what type of private investments
24 were coming onto the Reservation to make life better on
25 your sacred land.

1 A. Other than a nonIndian-owned grocery store there, I
2 can't think of too many more than that.

3 Q. Other than your Tribal government, is NAT one of, if
4 not the largest, employers on your sacred land?

5 A. Yes.

6 Q. Other than NAT, are there any other private
7 investments that are coming on to your Reservation?

8 A. No.

9 Q. We heard before testimony that the economic impact on
10 NAT, and we didn't put an exact number on it, but based on
11 your knowledge, is it millions of dollars that NAT is being
12 negatively affected?

13 MR. KNUDSON: Objection. Foundation.

14 THE COURT: Overruled. You may answer.

15 A. Yes.

16 Q. You don't know the exact numbers, but millions is in
17 the ballpark.

18 A. Yes. It's cost millions already so far.

19 Q. What could your people do with millions of dollars to
20 invest on your sacred land?

21 A. Oh, geez.

22 Q. Is it almost unfathomable?

23 A. Yes, it is. Our people have been forced to do this
24 since the late 1800s by the Government. That's all we know
25 now.

1 Q. In other words, to hold out your hands --

2 A. To beg for everything we need and want. That's all
3 our people know now. Our young people, that's all they
4 know. This is one of the mechanisms to get away from that,
5 to instill pride, to instill dignity, to work and be able
6 to -- a young father to buy diapers and food for his baby.
7 This is what we want to get away from is holding our hand
8 out for everything we need. This is one of the things that
9 will help get us away from that.

10 Q. As a Tribal member and majority owner of NAT, are you
11 afraid to compete with off-Reservation companies?

12 A. No.

13 Q. Do you think, if given the opportunity, that you can
14 provide services and compete and take you and your people
15 to a different economic level?

16 A. Why can't we? Shouldn't we have that right? There
17 again, our sovereignty and jurisdiction is being tested
18 right now.

19 Q. The Tribal Utility Authority, which you talked about
20 earlier, they ordered that Sprint pay these fee payments.
21 Is that right?

22 A. Yes.

23 Q. To the best of your knowledge, has your Tribally-owned
24 company, NAT, received any of these payments?

25 A. No. Isn't that how we were able to remodel the

1 building? There had to be -- to tell you the truth, I
2 don't really know. I'm not involved in the everyday
3 workings of NAT.

4 Q. Peter, you talked about the impact of millions of
5 dollars on the Reservation. You can obviously buy more
6 bottles and diapers than you can ever imagine with a
7 million dollars.

8 But what other impact would that amount of money have
9 for the greater good of your people on your sacred land?

10 MR. KNUDSON: Objection. Speculation.

11 THE COURT: Sustained.

12 BY MR. SWIER:

13 Q. Peter, in your view has Sprint entirely ignored the
14 Tribe's Tribal sovereignty here?

15 A. Yes.

16 Q. And everything that NAT is doing is taking place on
17 your sacred land. Is that correct?

18 A. Yes, it is.

19 Q. And it's made a difference.

20 A. Yes.

21 Q. And you expect it to continue to make a difference, if
22 you get paid.

23 A. Yes, and I guess it will be based on a decision today.

24 I mean where does it say that we can't -- show me in
25 writing where it says we can't have the same opportunity as

1 everybody else in this country?

2 Q. Peter, you are simply asking to compete in the same
3 marketplace of ideas as other companies, but you are doing
4 it on your sacred land. Is that right?

5 A. We're trying to make our own way.

6 MR. SWIER: No further questions.

7 THE COURT: Thank you. Mr. Knudson?

8 MR. KNUDSON: We'll pass on cross.

9 THE COURT: You can be excused.

10 (Witness excused)

11 THE COURT: Miss Roberts, any further witnesses?

12 MS. ROBERTS: No, Your Honor.

13 THE COURT: Mr. Knudson, any rebuttal?

14 MR. KNUDSON: No, Your Honor. I would just refer
15 to the Affidavit and evidentiary evidence we submitted
16 along with our Motion and Memorandum of Law.

17 THE COURT: All right. Then, Mr. Knudson, we'll
18 do argument, and we'll take a break after you are finished.

19 MR. KNUDSON: Notwithstanding the testimony you
20 just heard, Your Honor, the question here is relatively
21 straightforward. With respect to what Sprint is
22 requesting, in contravention to what NAT is asking, we
23 believe this Court has a primary jurisdiction, that
24 exhaustion is not required, and, therefore, this Court
25 should enjoin the Tribal Court from further proceedings